

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN PITIKUS,

Plaintiff,

v.

WEST MAHANoy TOWNSHIP SEWER
PROJECT OFFICER,

Defendant.

CIVIL ACTION NO. 3:06-CV-0316

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is the Plaintiff's Affidavit/Declaration in Support of Request to Proceed *In Forma Pauperis* (Doc. 3) which is being construed as a Motion to Proceed *In Forma Pauperis*. In Plaintiff's affidavit, he states that he is unemployed, collects \$620.00 per month from Social Security, and has \$1300.00 in a savings account. Plaintiff listed no dependents on his affidavit. (*Id.*)

The Court has discretion to grant *in forma pauperis* status. *Goldstein v. Timoney*, No. 01-481, 2001 WL 179868, at *1 (E.D. Pa. Feb. 20, 2001). "Poverty sufficient to qualify for *in forma pauperis* status does not require penniless destitution." *Id.* (alterations omitted) (citing *Ward v. Werner*, 61 F.R.D. 639, 640 (M.D. Pa. 1974)). "[T]here exists no fixed net worth which disqualifies a party as a pauper." *Id.* Based on his affidavit, Plaintiff appears able to pay the filing fee. Thus, I will deny Plaintiff's motion to proceed *in forma pauperis*.

ACCORDINGLY, this 21st day of February, 2006, **IT IS HEREBY ORDERED**
that:

- 1) Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3) is
DENIED.
- 2) Plaintiff will have thirty (30) days to pay the \$250.00 filing fee or the case
will be closed.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge